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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,944	06/04/2001	Ian Copeman	325508.02/MFCP.143820	3399
45809 7590 04/17/2009 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER HUYNH, SON P	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 04/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/873,944	Applicant(s) COPEMAN ET AL.	
	Examiner SON P. HUYNH	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10,12-23 and 26-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 10, 12-23, 26-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-7, 10, 12-23, 26-50 have been considered but are moot in view of the new ground(s) of rejection.

Claims 2, 8-9, 11, 24-25 has been canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 10, 12-23, 26-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US 6,698,020 B1) in view of Schlack (US 7,185,353) and Alexander et al. (US 6,177,931).

Regarding claim 1, Zigmond discloses a system for targeting advertisements, pay per view, subscription, special-interest television services, or the like to an individual

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network device (device at household— see include, but are not limited to, figures 3-5, 7-8, col. 6, lines 3-47), comprising:

a scheduler which generates a transmission schedule for transmission of advertisements, pay per view, etc. to an individual network device (video programming content provider including advertisement source, program source, ad trigger source, etc. generates event triggers, ad selection rules/criteria, ad parameters and provides them to user device - see include, but are not limited figures 1,5,7-8, col. 7, line 55-col. 9, line 52, col. 11, line 35-col. 12, line 43);

Zigmond discloses further event triggers, ad selection rules/criteria, ad parameters, etc. are predefined and provided by the advertiser, the video programming content provider, a third party operator of the advertisement source, etc. and providing user device for use to select appropriate advertisements for display as defined ad selection criteria/rule (see include, but are not limited to, col. 11, line 50-col. 12, line 42). The event trigger, ad selection rules, ad parameter, etc. are used to determine when the ad are received from the advertisement sources (e.g., ad is received according to local time, network, program being display, etc., or triggering signal triggers the ad to be received at ad insertion device “on the fly”, etc. (see include, but are not limited to, figures 2,4-6, col. 10, line 48-col. 13, line 6, col. 13, line 60-col. 14, line 56, col. 15, line 35-col. 16, line 20). Zigmond further discloses the event trigger, ad selection rules/criteria, or ad parameter, etc. are used to determine how the user device to receive the advertisement such as the trigger event interrupts displaying program to receive and display advertisement, receive program on particular network, or according

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to particular region, or particular segment, etc. (see include, but are not limited to, col. 7, lines 26-36, col. 8, lines 5-54, col. 10, lines 49-65, col. 11, line 31-col. 13, line 14, col. 13, line 40-col. 14, line 58, col. 15, line 35-col. 16, line 19). Thus, Zigmond discloses the transmission schedule specifies when and how an individual network device is to receive one or more advertisements, pay per view, etc. (interpreted as event trigger, ad selection rule, ad parameter, etc., specifies when and how a household device including ad insertion device is to receive one or more advertisement based on local time, network connection, household demographics, program being displayed, interrupting program being received and displayed, etc.).

Zigmond further discloses user device comprises means for collecting information relating to actions of the viewer in response to the display advertisement, user geographical information, user demographical information, system information, etc. One or more advertisements are provided/targeted to user device based on the collected information, system information and/or user preferences information (see include, but are not limited to, col. 9, line 20-col. 10, line 63, col. 11, line 13-col. 13, line 13), col. 14, lines 1-57). Thus, Zigmond discloses preparing the individual network device to receive the one or more advertisement, pay per view data, etc. in advance of the one or more advertisement content, pay per view information, etc. being received by the individual network device (interpreted as the step of collecting user demographic information, user geographic information, user responses to the display advertisement, and/or system information, etc. at the user device before the advertisements are targeted to the user device using the collected information).

Zigmond also discloses the ad selection rules, ad parameters, trigger are used for ad selection (see include, but are not limited to, figures 2, 5-6). Zigmond also discloses the advertisement can be delivered to the ad insertion device from the local repository or from repository at the central location (col. 8, lines 1-11). In addition, Zigmond discloses in response to ad selection using ad parameter, ad selection rules, ad selection scheduled with trigger, etc., the advertisements are delivered to the ad insertion device, selected, and displayed “on the fly” without any actual intermediate storage of the advertisements in the ad insertion device. This method of “streaming” advertisement data is useful in home entertainment systems having small or no hard drive or other data storage device (see include, but are not limited to, col. 15, line 45-col. 16, line 20). Thus, the transmission schedule (e.g., event triggers, ad selection rules, ad parameters, etc.) must be sent in advance of the one or more advertisements, pay per view information, etc. being received by the individual network device (e.g., sensitive advertisement, or “streaming” advertisement data, ad that is sent “on the fly” so that the transmission schedule of the ad is identified before the ad is selected and transmitted.

Zigmond further discloses a “promotion agent subsystem”, located at the individual network device that receives the transmission schedule from the scheduler, wherein the “promotion agent” collects the viewer usage data from the individual network device and processes the transmission schedule to receive the one or more advertisements or other video objects (e.g., the insertion unit in the device at household

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that receives trigger signal, ad selection rules, or ad parameters from the video programming content provider, video insertion unit collects viewer usage data/user response to the advertisement from the individual device and processes the trigger signal, ad selection rules, etc. to receives selected advertisements – see include, but are not limited to, figures 4-5, col. 4, lines 35-52, col. 9, line 21-col. 10, line 4; col. 15, lines 35-65);

a life-cycle manager that receives the viewer usage data collected from the promotion agent subsystem and generates the viewership profile (any device such as statistical collection location, clearinghouse that receives the user response information collected from insertion unit and generate the viewership profile for targeting advertisement and other video object - see include, but are not limited to, figures 4-5, col. 4, lines 53-67, col. 9, line 20-col. 10, line 3).

Zigmond also discloses collecting viewership profile generated from viewer usage data collected from the individual network device (i.e., viewer response to the selected advertisements, viewer's viewing habits, etc.) and a membership criteria which describes a particular demographic (i.e., age, sex, income, etc.), or geographic location (i.e., regional location, city, neighborhood or street address, etc.) and provided these collected information to advertiser, video programming content providers, third party operator for use to target promotion/advertisements to the particular device at the household (see include, but are not limited to, col. 10, line 35-col. 12, line 43, col. 13, line 59-col. 58, col. 17, lines 33-49, col. 19, lines 24-33). Zigmond also discloses

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components of ad insertion device may be located at a remote location (col. 7, lines 50-67;

Zigmond further discloses wherein the scheduler instructs a bulk manager server to retrieve the one or more advertisements or other video data from a database and how to send the one or more advertisements or other video objects retrieved to the individual network device in a manner that the individual network device receives the one or more advertisements or other video according to the transmission schedule generated (interpreted as the content provider using triggering signal and other instruction including ad parameter, geographic location, or network information, etc. to instruct an ad source to retrieve one or more advertisement from ad database and to send the retrieved advertisement to the targeted network device in according with the schedule transmission generated by the content provider, wherein the limitation of "instructs how to send ..." is interpreted as the content provider instructs sending the advertisement according to predetermined schedule/method such as content provider instructs to send advertisement when triggering signal is detected, or instruct to send advertisement to targeted device, targeted geographic location, or instruct to send on a particular network that provide particular program, or instruct to sent if a particular program/object is detected, etc. – see include, but are not limited to, col. 8, lines 39-col. 9, line 8, col. 12, lines 33-67, col. 13, lines 59-67, col. 14, lines 36-58; col. 15, lines 35-65).

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However, Zigmond is silent about the transmission schedule for transmission promotion is generated by matching i) a viewership profile generated from viewer usage data collected from the individual network device with ii) a membership criteria which describes a particular demographic, viewership history, or geographic location and advertisements and other video is one or more promotions.

Schlack discloses transmission schedule for transmission of advertisement is generated for individual network device by matching i) a viewership profile generated from viewer usage data collected from the individual network device with ii) a membership criteria which describes a particular demographic, viewership history, or geographic location (in scheduling the ads, the ad scheduler 44 relies on market segment information, ad/avail information, subscriber information, and channel change information, wherein the subscriber information may identifying all or groups of subscribers on the network and their demographics or other characteristics (is read on membership criteria), and channel change statistics identify an average channel change frequency for subscriber/viewer... (is read on “a viewership profile generated from viewer usage data collected from the individual network device”) – see include, but are not limited to, col. 5, line 63-col. 7, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zigmond to incorporate the teaching as taught by Schlack in order to improve bandwidth utilization for transmission schedule.

Zigmond in view of Schlack is silent about advertisement(s) or other video object(s) is/are one or more promotions.

Alexander discloses advertisements and other video objects are promotions (see include, but are not limited to, col. 5, lines 5-13, col. 13, line 47-col. 14, line 9, col. 17, lines 39-47; col. 36, lines 4-6). Alexander also discloses a promotion agent subsystem, located at individual network device, that receives the transmission schedule from a scheduler, wherein the promotion agent collects the viewer usage data from the individual network device and processes transmission schedule to receive the one or more promotions (any device at the receiver for receiving program scheduling/advertisement schedule information from a head end or scheduling source and for collecting the viewer viewing data from the receiver and processing the transmission schedule to receive one or more advertisements comprising promotions – see include, but are not limited to, col. 3, lines 1-20, col. 5, lines 5-52, col. 8, lines 18-64, col. 28, line 30-col. 31, line 7); Alexander further discloses a life cycle manager that receives the viewer usage data collected from the promotion agent subsystem and generates the viewership profile (col. 29, line 12-col. 30, line 44) . Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zigmond and Schlack with the teaching as taught by Alexander in order to yield predictable results such as to attract users to watch a future television program.

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Regarding claim 3, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses bulk manager server stores promotions to be scheduled for display on the network device (see include, but are not limited to, Zigmond: col. 8, lines 1-12, col. 14, line 66-col. 15, line 16, figures 3-4; Alexander: col. 8, lines 18-44, col. 18, lines 1-12).

Regarding claim 4, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the bulk manager server downloads the promotions to the bulk manager agent (see include, but are not limited to, Zigmond: col. 14, line 66-col. 15, line 16; Alexander: col. 8, lines 18-44, col. 18, lines 1-12).

Regarding claim 5, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 4. Zigmond in view of Schlack and Alexander further discloses the scheduler sends schedule information to the promotion agent which processes the schedule information and transmits the processed scheduled information to the bulk manger agent (video programming content provider sends schedule information such as trigger event, ad selection criteria, etc. to insertion unit in the network device at the household, which detects trigger event, information in ad selection criteria, and transmits the processed scheduled information to the ad source to retrieve the ads for display to the user – see include, but are not limited to, Zigmond: figures 4-5, col. 8, lines 30-64, col. 15, lines 35-65, col. 17, lines 25-32).

Regarding claim 6, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the schedule information includes a time schedule for displaying the promotions (e.g. triggering event indicating an appropriate time to display the selected advertisement – see include, but are not limited to, col. 8, lines 39-64, col. 15, lines 35-65, wherein the advertisements comprises promotion - see Alexander as discussed in the rejection of claim 1).

Regarding claim 7, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the schedule information includes specified promotions for displaying the promotions (e.g., based on ad parameters, or ad selection rules – see include, but are not limited to, Zigmond: col. 11, line 31-col. 12, line 32 and Alexander as discussed in the rejection of claim 1).

Schlack also discloses schedule information includes specified promotions for displaying the promotions (e.g. based on ad information – see include, but are not limited to, col. 6, lines 1-21).

Regarding claim 10, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are stored in a cache (see include, but are not limited to,

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Zigmond: figure 5, col. 15, lines 12-34, col. 18, lines 7-14 and Alexander as discussed in the rejection of claim 1).

Regarding claim 12, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are displayed at a designated time (see include, but are not limited to, Zigmond: col. 8, lines 39-54, col. 15, lines 35-39 and Alexander: col. 18, lines 1-32, col. 20, line 4-col. 21, line 15, col. 26, line 56-col. 27, line 39).

Regarding claim 13, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are displayed when the viewers watch designated shows (Zigmond: col. 12, lines 44-60; Alexander: col. 26, lines 34-67).

Regarding claim 14, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the membership criteria are based on demographic of the viewers who use the network device (see include, but are not limited to, Zigmond: col. 10, lines 48-63; Alexander: col. 28, lines 12-29).

Regarding claim 15, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further

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discloses the membership criteria are based on geographic locations of the viewers who use the network device (see include, but are not limited to, col. 10, lines 48-63; Alexander: col. 28, lines 12-29).

Regarding claim 16, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the membership criteria are based on channel and promotion history data (see include, but are not limited to, Zigmond: col. 10, line 48-col. 11, line 30; Alexander: col. 30, line 45-col. 31, line 8; col. 32, line 25-col. 33, line 8).

Regarding claim 17, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the scheduler schedules the promotions for delivery to specific promotion groups (see include, but are not limited to, Zigmond: col. 14, lines 34-58 Schlack: col. 6, lines 1-21).

Regarding claim 18, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 17. Zigmond in view of Schlack and Alexander further discloses the promotion groups are collections of network devices (see include, but are not limited to, Zigmond: network devices at different households -col. 10, lines 24-63; col. 14, lines 35-58; Schlack: col. 6, lines 1-21; Alexander: col. 32, lines 39-54).

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Regarding claim 19, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 18. Zigmond in view of Schlack and Alexander further discloses the promotion groups are based on matching the membership criteria to the viewership profile (e.g., men, women, certain age groups, etc. – see include, but are not limited to, Zigmond: col. 14, lines 35-48; Alexander: col. 32, lines 7-54).

Regarding claim 20, the limitations of the method as claimed that correspond to the limitations of the system as claimed in claim 1 are analyzed as discussed with respect to the rejection of claim 1.

Regarding claims 21-22, 26-28, 32, the additional limitations of the method as claimed that correspond to the additional limitations of the system as claimed in claims 3-4, 10, 12-13, 19 are analyzed as discussed with respect to the rejection of claims 3-4, 10, 12-13, 19.

Regarding claim 23, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 22. Zigmond in view of Schlack and Alexander further discloses instructing the bulk manager agent to display selected promotions (instructing the receiving and displaying device to display advertisement comprising promotions - see include, but are not limited to, Zigmond: figures 5-8; Alexander: col. 17, line 40-col. 18, line 12, col. 20, lines 13-37).

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Regarding claim 29, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 28. Zigmond in view of Schlack and Alexander further discloses further discloses the program includes a trigger in the broadcast (see include, but is not limited to, Zigmond: col. 4, lines 36-52; Alexander: col. 32, line 51-col. 33, line 7).

Regarding claim 30, Zigmond in view of Schlack and Alexander teaches the method as discussed in the rejection of claim 20. Zigmond in view of Schlack and Alexander further discloses displaying promotions based on viewer behavior (see include, but are not limited to, Zigmond: col. 12, lines 44-67, col. 14, lines 25-65; Alexander: col. 32, line 22-col. 33, line 43).

Regarding claim 31, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 20. Zigmond in view of Schlack and Alexander further discloses advertisements comprising promotions are retrieved using phone line, or cable modem, or Internet, or World Wide Web connection, etc. See include, but are not limited to, Zigmond: col. 10, lines 5-15; Alexander: col. 8, lines 20-64). Thus, the promotions are retrieved across a unicast medium.

Regarding claim 33, Zigmond in view of Schlack teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotion agent subsystem at the individual network device collects data as to which

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the one or more promotions of the transmission schedule were actually watched by a viewer associated with the individual network device, and uploads the data collected to provide information relating to the success of the one or more promotions (see include, but are not limited to, Zigmond: col. 4, lines 53-67, col. 9, lines 21-55, col. 11, lines 13-30, col. 17, lines 32-49; Alexander: col. 29, line 12-col. 30, line 44).

Regarding claim 34, the additional limitations that correspond to the additional limitations of claim 33 are analyzed as discussed in the rejection of claim 33.

Regarding claim 35, Zigmond in view of Schlack and Alexander discloses a system as discussed in the rejection of claim 1. Zigmond further discloses the advertisements and or any type of video programming, such as pay per view, special interest television service, or the like (col. 6, lines 13-29). Thus, the advertisement and video are full motions streams presenting commercial information. Zigmond also discloses at the appropriate time indicated by the trigger event, the video programming feed is interrupted and the selected advertisement is displayed to the viewer using a display screen of the home entertainment system (col. 4, lines 40-52). However, Zigmond in view of Schlack does not explicitly disclose the full motion stream presenting commercial information and covering an entire screen area.

Alexander further discloses the promotions are full motion streams presenting commercial information and covering an entire screen area (e.g., customized

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advertisements, customized program guide data comprises video clips of future program, video advertisement, etc. are displayed in full screen – see include, but are not limited to, col. 24, lines 21-30, col. 14, line 64-67, col. 6, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zigmond in view of Schlack with the teaching of displaying promotion cover entire screen as further taught by Alexander in order to yield predictable results such as to allow the viewer to view the promotion easier.

Regarding claims 36-37, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are displayed covering a viewable screen, displayed covering a portion of the viewable screen (e.g. cross-over link overlays on conventional television display – see Zigmond: col. 19, lines 1-8 or advertisement comprising promotion displayed covering a viewable screen, displayed covering a portion of the viewable screen - see figures 1, 4A, col. 7, lines 20-45, col. 15, lines 4-31, col. 20, lines 39-65, col. 13, lines 44-63).

Regarding claim 38, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotion include promotional content presented in a multimedia format selected from a group consisting of audio, video, graphics, icons, Internet hyperlink, and

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combinations thereof (see include, but are not limited to, Zigmond: col. 9, lines 8-20, col. 18, lines 29-62; Alexander: figure 1, col. 17, lines 40-67).

Regarding claim 39, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are displayed in a format selected from a group consisting of a banner, a hot spot, and a full motion streams (e.g. cross over link, or full motion of pay per view, advertisement, etc. see include, but are not limited to, Zigmond: col. 9, lines 8-20, col. 18, lines 29-62, col. 19, lines 1-22; Alexander: figures 1, 5, col. 17, lines 40-65, col. 20, line 38-col. 22, line 18).

Regarding claim 40, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are presented in a form selected from a group consisting of an electronic program guide, a channel information bar, and an overlay for video broadcasting (see include, but are not limited to, Zigmond: col. 11, lines 1-12, col. 19, lines 1-32; Alexander: figures 1, 5).

Regarding claim 41, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 1. Zigmond in view of Schlack and Alexander further discloses the promotions are simultaneously active within a video device, each of the promotions being independently selectable (see include, but are not limited to, Zigmond:

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col. 16, line 65-col. 17, line 8; Alexander: figures 1, 5, col. 13, line 45-col. 14, line 20, col. 20, line 38-col. 22, line 18).

Regarding claim 42, Zigmond in view of Schlack and Alexander teaches a system as discussed in the rejection of claim 41. Zigmond in view of Schlack and Alexander further discloses each of the independently selectable promotions is presented in a different form selected from a group consisting of an electronic program guide, a channel information bar, and an overlay, and an overlay of video broadcasting programming (see include, but are not limited to, Zigmond: col. 11, lines 1-12, col. 16, line 65-col. 17, line 8, col. 19, lines 1-32; Alexander: figures 1, 5, col. 7, lines 18-45, col. 13, line 45-col. 14, line 20, col. 20, line 38-col. 22, line 18).

Regarding claims 43-44, the additional limitations that correspond to the additional limitations of claims 35 and 23 are analyzed as discussed in the rejections of claims 35 and 23. Alexander further discloses displaying advertisements comprising promotions as full motion stream presenting commercial information and covering an entire screen area (see include, but are not limited to, col. 24, lines 21-29).

Regarding claims 45-50, the additional limitations as claimed correspond to the additional limitations as claimed in claims 36-38, 40-42, and are analyzed as discussed in the rejections of claims 36-38, 40-42.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reynolds et al. (US 6,742,183 B1) discloses system and methods for advertising television networks, channels, and programs.

Hooks et al. (US 6,169,542 B1) discloses method of delivering advertising through an interactive video distribution system.

Arai et al. (US 6,751,401) discloses method and apparatus for producing program information and receiving apparatus for processing the information in a broadcast system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

April 14, 2009